FOR MYSORE STATE

Home (1954) Department

R SERIES.

G.O. No. 2939

Dated 1 10 54

Passed
8/1/54

[Despatch Abstract.]

√D. No. 1197-P/11/54.

THROUGH THE DISTRICT SUPERDENT OF POLICE COIMBATORE A. H. A.

To

Please. Honourable.
The President,
Sent Each this ad Envs. Government Of India,
NEW DELHI.

King Appeal

METTAKALIVALAGU. NAGAMANYACKANPATTI DHARAPURAM. T.K. (POST) c/o A. NALLAMUTHU TEACHER METTAKALIVALAGU

The appeal of Ex. P. C. No. 1206 Jayaraj ~~of Kollegal Police Station~~, Coimbatore District living in ~~Kurumbar Street Kollegal) Taluk~~ ~~submits~~ the following for your favourable orders.

The order dated 6-4-54 is against law and weight of evidence and all probabilities.

1. H. C. 542 of Kollegal Police Station Sri Narayana samy Iyer complained of assault against him by the pettitioner on 2--11--1951. In consequence of it petitioner was dismissed from service by the District Superintendent of Police, Coimbatore in his orders on punishment rolls. Current No. 655/PR-51 dated 18--3--1952 of Kollegal circle. The Inspector General of Police Madras 4 was moved in the matter and he in his F. O. C. No. 75-A/PR/53 dated 12--5--53 communicated to the petitioner in his endorsement dated 14--5--1953 declined to interfere.

2. A complaint is the person who knows best the facts making the complaint and is the person most interested in it. The law expects him to undertake to prosecute before the accused person can be called upon to answer the accusation. Here the complainant is a Head Constable in charge of a Station and not a mere Constable who takes orders from his Superiors. He ought to know that he should prove his complaint before he can expect it to take effect as he

15 JUN 1954

some Department

(Condx in next page)

Endorsement No 76823 Poll II/54-1 dt 7/6/54 dated.
Returned to the petitioner for submission through the proper channel

T. Ramaswamy
under secretary to Govt
5/6/54

5.6.54

To
Sri Jayaraj, ex P.C. 1206
through the T.C.J Police
Raetrad.

proved his complaint ? Para D 5 of the Minutes of the Dy. S. P. should answer the question and the words of the Dy. S. P. It has to be admitted that the victim H. C. has disgracefully made a transcribed version regarding the sandle beating. He has stated therein and affirmed that the P. C. beat him and caused injury with the sandles, which he held in his hand. It was the second sandle that was thrown at him. This is not supported by the G. D. entry. The earliest record of his report to the Inspector was made soon after. The enquiry Dy S.P. gives him an oppurtunity to mend the "disgracefully twisted versions" but feels it annoying to to see "the H. C. sticking to the incorrect version even when his attention was drawn to it. he above should show that the complainant does not prove his own complaint. It is for you to see whether it is incumbant in law and desirable in these circumstances to go into the testimony or otherwise of other witnesses. There are four. Two of these P.Ws do not (3 & 4) do not speak to the allegations in the complaint. They do not speak to the beating by sandal or assault. Present in the Station like P.Ws. 2 & 5 the other witnesses should have seen the same occurrance and spoken to it. All that they say is that they saw the offending constable (petitioner) being removed from the station and bleeding wounded near the eye of the H.C. Clearly they did not see the assault nor the injury being caused. They have no direct knowledge or this when it was so easy to obtain in the circumstances. They were merely told of the injury by the H. C. who is admitted to have made a t wisted version of the accident and who sticked to it. Inspite of warning Is he worthy of credit ? Isthis hear say worth a moment consideration ~~lower derations~~. P.Ws. 3 and 4 were not been sown to be under interested in the petitioner

or against complaining H. C. When more persons xxxxxx than one have witnessed the occurrance at the same time their versions should agree at least on material points. If they do not , it is clear truth has not seen the light of day.

(3) The practice is unknown to judicial procedure of accounting cart of the evidence and practising the other part. P.W. s 3 and 4 are given credit to for certain of their statements that infussing the petitioner and those that cut at the root of the complaint on the material point: assault have been ignored. T his offends against leagal fairness. The complainant does not speak the whole truth xxxxxxxxxx twists his version. P.W. 3 to 4 cannot support his version. The overwheelming evidence therefore is against the complainant.

4. It will have been seen that the complaint has not been proved beyond doubts. The charge has not been brought home to the accused in legal sufficiency. The complainant hiding the truth and has abused his office to ruin the petitioner. At the least the petitioner is entitled to the benefit of double and deserves to be absolved from blame.

5. In para 3 above the Dy S.P. making the enquiry in regard to the matter under reference has been shown to have remarked that "the H.C. has made a disgracefully twisted verson regarding the sandle beating " continuing these observations the Dy.S.P. notes that the H.C. is a person who is far below the average in respect of efficiency intelligence etc., a

punishment roll against him ensued for "irresponsible conduct in contradicting his entire report regarding assault in P.R. 372 of 1953 and a black mark awarded to him. This is conclusive evidence that the core of the offence of assault to bit beating with sandles was not in the opinion of the Dy. S.P. proved by the complainant himself but that he imposed upon or varied it. This Chief ingredient of the offence of assault failing to be proved satisfactorily the charge naturally falls to the grounds.

6. The conduct of the H.C. would appear to disclose moral or temperament while that of the petitioner at it narate may show indecorum or lack of grace. After all it is just and browl that has emerges from the evidence as against the petitioner. Against moral trespidtude on the part of a H. C. in station charge a brawl of this kind on the part of a constable from the scheduledcaste will be seen to have been due into inspiration if not to nothingness. Petitioner was under suspension about 6 months. The punishment of dismissal is unduly high and relatively in measurable vendictive and ruinous.

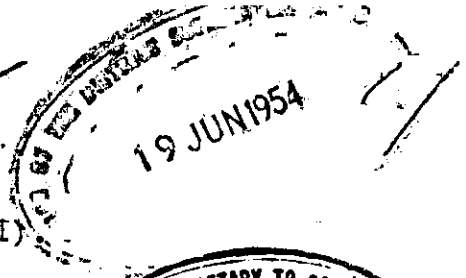
7. It is only when a second offence or charged/ is proved that punishment for an earlier offence comes in true consideration. This is not so here.

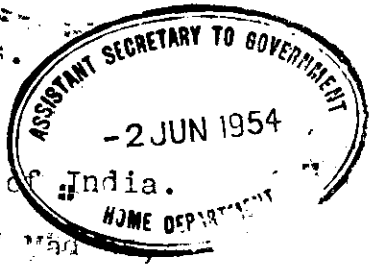
8. Petitioner prays that you may be pleased to send for the records and restore the petitioner to Office.

P. Jayaraj Ex.P.C12
Petitioner

Kollegal.
Dated: 22.4.54
14-7-54

P. Jayaraj
Ex. P.C 1206
14-7-54





4

2103/JK/54.

No. 152-D/54-Police(I)
Government of India
Ministry of Hom Affairs.

From

Shri C.P.S. Menon,
Under Secretary to the Govt. of India.

To

The Secretary to the Govt. of Mad
Home Department.

New Delhi-2, the 31 May, 1954.

Sir,

I am directed to forward for disposal a petition in original dated the 22nd April, 1954 from Ex.P.C. No.1206 Jayaraj of Kollegal Police Station, Combatore District against his dismissal from service by the District Superintdent of Police, Coimbatore

13-9 below

6823

14.

Yours faithfully,

C.P.S. Menon

(C.P.S. Menon)
Under Secretary to the Govt. of India.

A2/202957/54 10582

FOC No. 2103/SR/54

18/6/54

A2

19 JUN 1954

15 JUL 1954

Forwarded

3-6-54.

N.S. Jayaraman
17.6.54
for Inspr. General of police.

To

Sri. Jayaraj, Ex-P.C. 1206
thro' the Dist. Supdt of police
Coimbatore

2261
1238

By Regd Post.
A Ds 18608/A2/54
Forwarded

16/6 Rdr
17/6

Supdt

D.S.P.

19/6. To Jayaraj, Ex P.C 12
Kwennbar Street
Kollegal

By Regd Post 13

20295/57

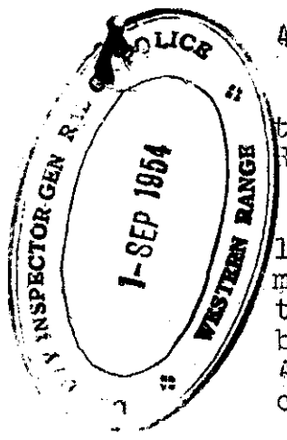
To Thee petitioner for Testimonial
authenticated copies of the
copy of Memo. Orders of
G and Govt ; any etc.
address

Thanu Pillai 24/9/57

For District Superintendent of Police.
Coimbatore.

Ex. P.C. 1206
Nallammal Teache 24/9/57
Kalimalaiam

annamayacharyar
Pasha
Dharapuram TK



42/23902/54 D/ 26th August 1954.

Forwarded to the Inspector-General of Police, Madras through the Deputy Inspector-General of Police, Western Range, Coimbatore.

2) This is an appeal petition submitted by Ex.P.C. 1206 Jayaraj of Coimbatore district against the order of dismissal passed by the District Superintendent of Police, Coimbatore in P.R.655/51 dated 18.3.52 for highly indisciplinary behaviour and grave misconduct in assaulting H.C.542 Narayanasami Ayyar, in Kollegal Police station with sandals and thereby causing injury in his face on 2.11.51.(copy of Minute enclosed).

3) His appeals to the Deputy Inspector-General of Police, Western Range, the Inspector-General of Police, Madras and Government of Madras were rejected in C.No.133/Appeal/52 dated 18.5.52 Chief Office F.O.C.No.75/A/PR/53 dated 12.5.53 and G.O.R.No.710 Home Department dated 16.3.54 respectively (copies enclosed).

4) Remarks on the petition:-

Para 1. calls for no remarks.

Paragraphs 2 & 3. The charge is proved beyond all doubt by the evidence of P.Ws 1, 2 and 5 who speak to the entire incident. No motive was proved - not even suggested against them. Though P.Ws.3 and 4 speak to a part of the incident these witnesses and even D.W 2 definitely say that the H.C complained immediately after the incident at the spot and that the injury on his person was caused by the sandal thrown by the petitioner.

Other points raised in this paragraph are only repetition of para 5 of 'D' of the Minute. The blunder committed by the Head-constable cannot affect the truth of the incident.

Para 4. The petitioner is not entitled to the benefit of doubt as stated by him as the charge is clearly proved.

Para 5. The complainant has been awarded a B.M. for his delinquencies. It is not correct to say that the offence of assault was not in the opinion of the Deputy Supdt.of Police proved by the complainant himself. There is overwhelming evidence to prove the charge to the hilt.

Para 6. The offence by itself is a very grave one for which dismissal is the only suitable punishment that can be imposed.

Para 7. The order of dismissal is correct irrespective of any previous defaults.

Para 8. This appeal deserves no consideration.

5. A copy of the defaulter sheet of the petitioner is enclosed for favour of perusal;

6. The age of the petitioner at the time of awarding the punishment - 27 years, 5 months and 10 days

7. The service of the petitioner at the time of awarding the punishment - 7 years, 11 months and 26 days

8 The petitioner was a permanent P.C. at the time of awarding the punishment

9. The pay of the petitioner was Rs/32/-then

srs/xx.8. for Dt.Supdt.of Police, Coimbatore

29

ASSISTANT SECRETARY TO GOVERNMENT
17 SEP 1954
HOME DEPARTMENT

ub: Jayaraj, Ex-constable No.1206 of Coimbatore district - Dismissal - petition to the Honourable President, Government of India, New Delhi for reinstatement.

+++

F.O.C.No.4070/SR/54.

Forwarded with copies of the orders petitioned against and a copy of the defaulter sheet of the petitioner.

2. A copy of the remarks of the District Superintendent of Police, Coimbatore in his endorsement A2/23902/54 dated 26.8.54 is enclosed.

3. Attention is invited to G.O.R.No.710, Home, dated 16.3.54 in which the petitioner's case was previously disposed of by the Government.

122885

Office of the
Inspr.-Genl.of Police,
P.B.No.601, Madras--4.
Dated: 16th Septr. '54.

for Inspr.-Genl.of Police.

To The Secretary to the Government of Madras, Home Department.

PMV.14.9.

Home Dept Sr.

CNO 122835 Poe II/52.

G.O.R No. 2939 dated 1-12-54

Jayaraj — Ex police Constable 1208 y Coimbatore Dt — Dismissal - Petition to the Prime Minister of India for reinstatement - Withheld

Read

G.O R No 710 Home dated 16.3.54
from the Dg of Police Poe 4070/SR/52 dated 16.9.52

ORDER

The petitioner should be informed that his petition dated 14.7.54 to the Prime Minister of India, which was submitted through the proper channel, has been withheld by the Govt of Madras.

27/9/54 29.12.54

To
The Dg of Police, Madras
& Copies
with pp 15.25 (in duplicate)

Note the petitioner's case was previously considered and rejected in G.O.R 710 Home dated 16.3.52 the petition at pp 1-7 y to the Prime Minister of India submitted through the proper channel may be withheld the above order is after approval

27/9/54 29.12.54